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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,631	05/31/2001	Timothy Mark Morris-Yates	169.2063	7181
5514	7590	01/04/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/867,631	MORRIS-YATES, TIMOTHY MAR	
	Examiner Kieu D Vu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 July 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 65-88 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 65-88 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 July 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. This Final Office Action is in response to the Amendment filed 07/06/04.

2. Claims 1-64 were canceled.

New claims 65-88 were added.

Claims 65-88 are pending.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 76-85 are rejected under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter.

Claims 76-85 claim “A computer executable program” per se and does not positively recite that the program is stored on a medium that can be read by a machine. As such, the claimed invention is not directed to a machine readable medium or a manufacturer article.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 71 and 82 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 71 and 82 recites the limitation "the operation". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 65-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warrin (USP 5640522) and Gobert et al ("Gobert", USP 6542163).

Regarding claims 65, 75-76, and 86-87, Warrin teaches steps of providing active user feedback in a graphic user interface including a soft control, comprising: selecting at least one object (select image 203 by using mouse to click on a position inside the image) (col 4, lines 5-9) ; designating the soft control by allowing a cursor of a pointing device to remain near the soft control for a first time period (use mouse 133 (of Fig. 1) to control a cursor to select "Cover Left") (col. 4, lines 9-15); and showing the nominal change between a present and a changed display state of the object (previewing program previews the transition effect) (see col. 4, lines 16-34). Warrin differs from the claim in that Warrin does not teach that the window showing transition effect is a training pop-up window. However, such feature is known in the art as taught by Gobert. Gobert teaches a system for providing relevant tips for a user in an unobtrusive manner which comprise providing pop-up window (tip balloon 80) containing help information (see Fig. 80) (col 8, lines 41-45). It would have been

obvious to one of ordinary skill in the art, having the teaching of Warrin and Gobert before him at the time the invention was made, to modify the interface method taught by Warrin to include pop-up balloon window having training information taught by Gobert with the motivation being to display the preview window in an unobtrusive manner (Gobert, col 8, lines 30-40).

Regarding claims 66 and 77, Warrin teaches that the change of the selected object relates to an attribute of the object (column of pixels of the image is replaced) (col 4, lines 25-33).

Regarding claims 67 and 78, Gobert teaches that the pop-up window 80 is superimposed on the working display area (see Fig. 2B).

Regarding claims 68 and 79, Warrin teaches that the present and changed display states of the object are displayed as symbolic representations of the object (image in the previewing program are at smaller size) (col 2, lines 62-66).

Regarding claims 69 and 80, Warrin teaches that the present and changed display states of the object are displayed as literal representations of the object (images are slides in a presentation (col 1, lines 13-17) (col 2, lines 62-66) which contain text).

Regarding claims 70 and 81, Gobert teaches displaying pop-up window (balloon 80) is capable of being enabled and inhibited (check book 90 enables or inhibits displaying balloon 80) (Fig. 2B, col 9, lines 37-43).

Regarding claims 71 and 82, Gobert teaches displaying tips in a ghost manner so that the display is not obstructed (col 6, lines 26-29).

Regarding claims 72, 83, Gobert teaches that the pop-up window (tip balloon 80)

can be customized by defining user preferences (relevant tips can be extensively customized) (col 6, lines 18-26).

Regarding claims 73 and 84, Gobert teaches that customization comprises setting a nature of change (see 86A of balloon 80 in Fig. 2B) (see col 6, lines 18-26).

Regarding claims 74, 85, and 88, Warrin teaches the coupling to another soft control to the soft control, wherein the change implementable by the soft control is dependent upon a current setting of the other soft control (transition effect “Cover Left” is selected when the previewing program in its presentation editing mode) (col 3, lines 42-46) (col 4, lines 11-12).

8. Response to Applicant’s argument filed 07/06/04.

In response to Applicant’s argument that Gobert “teaches away from the concept of a nominal change of according to claim 65” since [t]he term “nominal change” of Claim 65 relates to ....the type of “scaling” change described in.....of the present application in which a range of scale change is possible....”, it is noted that this limitation is not cited in the claim.

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant’s argument that “nothing in Gobert et al” teaches or suggest a training preview...” it is noted that the pop-up balloon 80 contains help information which coaches user how to perform a task. Therefore, Gobert’s teaching discloses training information to user.

Other arguments are now moot under new ground of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

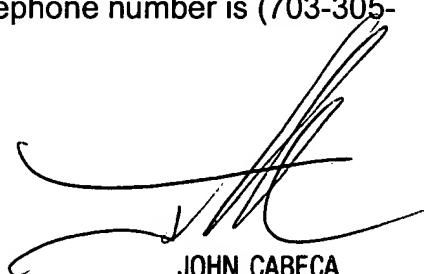
703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER